

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JULY 23, 2004

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN SENATE MARCH 23, 2004

**SENATE BILL**

**No. 1745**

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**Introduced by Senator Perata**

February 20, 2004

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An act to add Section 1271.15 to the Health and Safety Code, and to add Section 5675.2 to the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1745, as amended, Perata. Mental health rehabilitation centers.

(1) Existing law authorizes Placer County and up to 15 additional counties to establish a pilot project to develop a shared mental health rehabilitation center for providing community care and treatment for persons with mental disorders who are placed in a state hospital because there is no available community placement and authorizes the State Department of Mental Health to establish appropriate licensure requirements for new programs for the treatment of mental illness.

This bill would require each new and renewal application for a license to operate a mental health rehabilitation center to be accompanied by an application or renewal fee, and to expire 12 months from the date of issuance. *The bill would require the collected fees to be deposited into the General Fund.*

(2) Existing law authorizes a health facility to place up to 50% of its licensed bed capacity in voluntary suspension for up to 3 years, unless

extended, and authorizes the health facility to remove all or any portion of its voluntarily suspended bed capacity from voluntary suspension unless the facility fails to meet currently applicable operational requirements or fails to meet construction requirements for the health facility in effect at the time the request for suspension of the beds was received by the department.

This bill would similarly authorize a health facility to voluntarily suspend all or part of its bed capacity or to voluntarily suspend its license for the purpose of operating a *licensed* mental health rehabilitation center and would permit the facility to reinstate the suspended facility bed capacity or license unless the facility fails to meet currently applicable operational requirements for a health facility ~~or fails to meet construction and life safety requirements for the facility in effect at the time the facility was originally licensed as a health facility.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1271.15 is added to the Health and
- 2 Safety Code, immediately following Section 1271.1, to read:
- 3 1271.15. (a) Notwithstanding any provision of law to the
- 4 contrary, including, but not limited to, Section 1271.1, a health
- 5 facility may do any of the following:
- 6 (1) (A) It may place all or a portion of its licensed bed capacity
- 7 in voluntary suspension for the purposes of using the facility to
- 8 operate a *licensed* mental health rehabilitation center pursuant to
- 9 Section 5675 of the Welfare and Institutions Code after submitting
- 10 written notification to the State Department of Health Services and
- 11 to the Office of Statewide Health Planning and Development.
- 12 *During the period of voluntary suspense, the facility shall remain*
- 13 *under the jurisdiction of the office. The office shall enforce both the*
- 14 *mental health rehabilitation center requirements and the health*
- 15 *facility requirements of the California Building Standards Code.*
- 16 (B) A mental health rehabilitation center operating under this
- 17 paragraph may remove all or any portion of its voluntarily
- 18 suspended bed capacity from voluntary suspension by submitting
- 19 a request to the State Department of Health Services.



(C) The department shall grant the request under subparagraph (B) to remove bed capacity from voluntary suspension and to reinstatement of the health facility bed capacity, unless the facility fails to meet currently applicable operational requirements for a health facility or fails to meet construction and life safety requirements for the health facility in effect at the time the facility was originally licensed as a health facility.

~~(2) (A) It may voluntarily surrender its license for the purpose of converting the facility to a mental health rehabilitation center pursuant to Section 5675 of the Welfare and Institutions Code after submitting written notification to the State Department of Health Services and to the Office of Statewide Health Planning and Development.~~

~~(B) A mental health rehabilitation center operating under this paragraph may elect to convert the facility back to a health facility and to be issued a new health facility license by submitting a request to the State Department of Health Services.~~

~~(C) The department shall grant a request under subparagraph (B) to convert the facility back to a health facility and to issue a new health facility license, unless the facility fails to meet currently applicable operational requirements for a health facility or fails to meet construction and life safety requirements for the health facility in effect at the time the facility was originally licensed as a health facility.~~

(b) This section authorizes the voluntary suspension of bed capacity or surrender of a license by a health facility only for the purpose of converting the facility for use as a *licensed* mental health rehabilitation center pursuant to Section 5675 of the Welfare and Institutions Code.

SEC. 2. Section 5675.2 is added to the Welfare and Institutions Code, to read:

5675.2. (a) Commencing January 1, 2005, each new and renewal application for a license to operate a mental health rehabilitation center shall be accompanied by an application or renewal fee.

(b) The amount of the fees shall be determined *and collected* by the State Department of Mental Health, but the total amount of the fees collected shall not exceed the actual costs of licensure and regulation of the centers, including, but not limited to, the costs of

1 processing the application, inspection costs, and other related  
2 costs.

3 (c) Each license or renewal issued pursuant to this chapter shall  
4 expire 12 months from the date of issuance. Application for  
5 renewal of the license shall be accompanied by the necessary fee  
6 and shall be filed with the department at least 30 days prior to the  
7 expiration date. Failure to file a timely renewal may result in  
8 expiration of the license.

9 (d) *License and renewal fees collected pursuant to this section*  
10 *shall be deposited into the General Fund.*

